

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Petition to Revoke  
Probation Against:**

**Elizabeth Byerrum Seaman, M.D.**

**Case No. 800-2017-036091**

**Physician's and Surgeon's  
Certificate No. G 32266**

**Respondent**

**DECISION**

**The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on January 10, 2018.**

**IT IS SO ORDERED: December 11, 2017.**

**MEDICAL BOARD OF CALIFORNIA**



**Kristina Lawson, J.D., Chair  
Panel B**

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 GREG W. CHAMBERS  
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7

8 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Petition to Revoke  
11 Probation Against:

Case No. 800-2017-036091

12 **ELIZABETH BYERRUM SEAMAN, M.D.**  
13 **599 Sir Francis Drake Blvd #204**  
**Greenbrae, CA 94904**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

14 **Physician's and Surgeon's Certificate No.**  
15 **G32266**

16 Respondent.

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
22 of California (Board). She brought this action solely in her official capacity and is represented in  
23 this matter by Xavier Becerra, Attorney General of the State of California, by Greg W. Chambers,  
24 Deputy Attorney General.

25 2. Respondent Elizabeth Byerrum Seaman, M.D. (Respondent) is represented in this  
26 proceeding by attorney David Shuey, whose address is: 1970 Broadway, Suite 1150, Oakland,  
27 CA 94612.  
28

1           3.     On or about July 7, 1976, the Board issued Physician's and Surgeon's Certificate No.  
2     G32266 to Respondent. Said certificate was revoked, and the revocation stayed, and Respondent  
3     was placed on three (3) years' probation, effective July 5, 2017. The Physician's and Surgeon's  
4     Certificate was in full force and effect at all times relevant to the charges brought in Petition to  
5     Revoke Probation No. 800-2017-036091, and will expire on July 31, 2018, unless renewed.

6                                   JURISDICTION

7           4.     Petition to Revoke Probation No. 800-2017-036091 was filed before the Board, and is  
8     currently pending against Respondent. The Petition to Revoke Probation and all other statutorily  
9     required documents were properly served on Respondent on September 12, 2017. Respondent  
10    timely filed her Notice of Defense contesting the Petition to Revoke Probation.

11          5.     A copy of Petition to Revoke Probation No. 800-2017-036091 is attached as exhibit  
12    A and incorporated herein by reference.

13                               ADVISEMENT AND WAIVERS

14          6.     Respondent has carefully read, fully discussed with counsel, and understands the  
15    charges and allegations in Petition to Revoke Probation No. 800-2017-036091. Respondent has  
16    also carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
17    Settlement and Disciplinary Order.

18          7.     Respondent is fully aware of her legal rights in this matter, including the right to a  
19    hearing on the charges and allegations in the Petition to Revoke Probation; the right to confront  
20    and cross-examine the witnesses against her; the right to present evidence and to testify on her  
21    own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the  
22    production of documents; the right to reconsideration and court review of an adverse decision;  
23    and all other rights accorded by the California Administrative Procedure Act and other applicable  
24    laws.

25          8.     Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
26    every right set forth above.

1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Petition to  
3 Revoke Probation No. 800-2017-036091.

4 10. Respondent agrees that her Physician's and Surgeon's Certificate is subject to  
5 discipline and she agrees to be bound by the Board's probationary terms as set forth in the  
6 Disciplinary Order below.

7 CONTINGENCY

8 11. This stipulation shall be subject to approval by the Medical Board of California.  
9 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
10 Board of California may communicate directly with the Board regarding this stipulation and  
11 settlement, without notice to or participation by Respondent or her counsel. By signing the  
12 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek  
13 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
14 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
15 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
16 action between the parties, and the Board shall not be disqualified from further action by having  
17 considered this matter.

18 12. The parties understand and agree that Portable Document Format (PDF) and facsimile  
19 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
20 signatures thereto, shall have the same force and effect as the originals.

21 13. In consideration of the foregoing admissions and stipulations, the parties agree that  
22 the Board may, without further notice or formal proceeding, issue and enter the following  
23 Disciplinary Order:

24 DISCIPLINARY ORDER

25 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G32266 issued  
26 to Respondent Elizabeth Byerrum Seaman, M.D. is revoked. However, the revocation is stayed  
27 and Respondent is placed on probation for five (5) years on the following terms and conditions:  
28

1           1.    CLINICAL DIAGNOSTIC EVALUATIONS AND REPORTS: Within thirty (30)  
2 calendar days of the effective date of this Decision, and on whatever periodic basis thereafter as  
3 may be required by the Board or its designee, Respondent shall undergo and complete a clinical  
4 diagnostic evaluation, including any and all testing deemed necessary, by a Board-appointed  
5 board certified physician and surgeon. The examiner shall consider any information provided by  
6 the Board or its designee and any other information he or she deems relevant, and shall furnish a  
7 written evaluation report to the Board or its designee.

8           The clinical diagnostic evaluation shall be conducted by a licensed physician and surgeon  
9 who holds a valid, unrestricted license, has three (3) years' experience in providing evaluations of  
10 physicians and surgeons with substance abuse disorders, and is approved by the Board or its  
11 designee. The clinical diagnostic evaluation shall be conducted in accordance with acceptable  
12 professional standards for conducting substance abuse clinical diagnostic evaluations. The  
13 evaluator shall not have a current or former financial, personal, or business relationship with  
14 Respondent within the last five (5) years. The evaluator shall provide an objective, unbiased, and  
15 independent evaluation. The clinical diagnostic evaluation report shall set forth, in the  
16 evaluator's opinion, whether Respondent has a substance abuse problem, whether Respondent is a  
17 threat to himself or herself or others, and recommendations for substance abuse treatment,  
18 practice restrictions, or other recommendations related to Respondent's rehabilitation and ability  
19 to practice safely. If the evaluator determines during the evaluation process that Respondent is a  
20 threat to himself or herself or others, the evaluator shall notify the Board within twenty-four (24)  
21 hours of such a determination.

22           In formulating his or her opinion as to whether Respondent is safe to return to either part-  
23 time or full-time practice and what restrictions or recommendations should be imposed, including  
24 participation in an inpatient or outpatient treatment program, the evaluator shall consider the  
25 following factors: Respondent's license type; Respondent's history; Respondent's documented  
26 length of sobriety (i.e., length of time that has elapsed since Respondent's last substance use);  
27 Respondent's scope and pattern of substance abuse; Respondent's treatment history, medical  
28 history and current medical condition; the nature, duration and severity of Respondent's

1 substance abuse problem or problems; and whether Respondent is a threat to himself or herself or  
2 the public.

3 For all clinical diagnostic evaluations, a final written report shall be provided to the Board  
4 no later than ten (10) days from the date the evaluator is assigned the matter. If the evaluator  
5 requests additional information or time to complete the evaluation and report, an extension may  
6 be granted, but shall not exceed thirty (30) days from the date the evaluator was originally  
7 assigned the matter.

8 The Board shall review the clinical diagnostic evaluation report within five (5) business  
9 days of receipt to determine whether Respondent is safe to return to either part-time or full-time  
10 practice and what restrictions or recommendations shall be imposed on Respondent based on the  
11 recommendations made by the evaluator. Respondent shall not be returned to practice until he or  
12 she has at least thirty (30) days of negative biological fluid tests or biological fluid tests indicating  
13 that he or she has not used, consumed, ingested, or administered to himself or herself a prohibited  
14 substance, as defined in section 1361.51, subdivision (e), of Title 16 of the California Code of  
15 Regulations.

16 Clinical diagnostic evaluations conducted prior to the effective date of this Decision shall  
17 not be accepted towards the fulfillment of this requirement. The cost of the clinical diagnostic  
18 evaluation, including any and all testing deemed necessary by the examiner, the Board or its  
19 designee, shall be borne by the licensee.

20 Respondent shall not engage in the practice of medicine until notified by the Board or its  
21 designee that he or she is fit to practice medicine safely. The period of time that Respondent is  
22 not practicing medicine shall not be counted toward completion of the term of probation.  
23 Respondent shall undergo biological fluid testing as required in this Decision at least two (2)  
24 times per week while awaiting the notification from the Board if he or she is fit to practice  
25 medicine safely.

26 Respondent shall comply with all restrictions or conditions recommended by the examiner  
27 conducting the clinical diagnostic evaluation within fifteen (15) calendar days after being notified  
28 by the Board or its designee.

1           2.    NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)  
2 days of the effective date of this Decision, Respondent shall provide to the Board the names,  
3 physical addresses, mailing addresses, and telephone numbers of any and all employers and  
4 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's  
5 worksite monitor, and Respondent's employers and supervisors to communicate regarding  
6 Respondent's work status, performance, and monitoring.

7           For purposes of this section, "supervisors" shall include the Chief of Staff and Health or  
8 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff  
9 privileges.

10          3.    ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the  
11 use of products or beverages containing alcohol.

12          If Respondent has a confirmed positive biological fluid test for alcohol, Respondent shall  
13 receive a notification from the Board or its designee to immediately cease the practice of  
14 medicine. The Respondent shall not resume the practice of medicine until final decision on an  
15 accusation and/or a petition to revoke probation. An accusation and/or petition to revoke  
16 probation shall be filed by the Board within fifteen (15) days of the notification to cease practice.  
17 If the Respondent requests a hearing on the accusation and/or petition to revoke probation, the  
18 Board shall provide the Respondent with a hearing within thirty (30) days of the request, unless  
19 the Respondent stipulates to a later hearing. A decision shall be received from the Administrative  
20 Law Judge or the Board within fifteen (15) days unless good cause can be shown for the delay.  
21 The cessation of practice shall not apply to the reduction of the probationary time period.

22          If the Board does not file an accusation or petition to revoke probation within fifteen (15)  
23 days of the issuance of the notification to cease practice or does not provide Respondent with a  
24 hearing within thirty (30) days of a such a request, the notification of cease practice shall be  
25 dissolved.

26          4.    BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to  
27 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.  
28 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair

1 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall  
2 make daily contact with the Board or its designee to determine whether biological fluid testing is  
3 required. Respondent shall be tested on the date of the notification as directed by the Board or its  
4 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at  
5 any time, including weekends and holidays. Except when testing on a specific date as ordered by  
6 the Board or its designee, the scheduling of biological fluid testing shall be done on a random  
7 basis. The cost of biological fluid testing shall be borne by the Respondent.

8 During the first year of probation, Respondent shall be subject to 52 to 104 random tests.  
9 During the second year of probation and for the duration of the probationary term, up to five (5)  
10 years, Respondent shall be subject to 36 to 104 random tests per year. Only if there has been no  
11 positive biological fluid tests in the previous five (5) consecutive years of probation, may testing  
12 be reduced to one (1) time per month. Nothing precludes the Board from increasing the number  
13 of random tests to the first-year level of frequency for any reason.

14 Prior to practicing medicine, Respondent shall contract with a laboratory or service,  
15 approved in advance by the Board or its designee, that will conduct random, unannounced,  
16 observed, biological fluid testing and meets all of the following standards:

17 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry  
18 Association or have completed the training required to serve as a collector for the United  
19 States Department of Transportation.

20 (b) Its specimen collectors conform to the current United States Department of  
21 Transportation Specimen Collection Guidelines.

22 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published  
23 by the United States Department of Transportation without regard to the type of test  
24 administered.

25 (d) Its specimen collectors observe the collection of testing specimens.

26 (e) Its laboratories are certified and accredited by the United States Department of Health  
27 and Human Services.

28 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day



1 of receipt and all specimens collected shall be handled pursuant to chain of custody  
2 procedures. The laboratory shall process and analyze the specimens and provide legally  
3 defensible test results to the Board within seven (7) business days of receipt of the  
4 specimen. The Board will be notified of non-negative results within one (1) business day  
5 and will be notified of negative test results within seven (7) business days.

6 (g) Its testing locations possess all the materials, equipment, and technical expertise  
7 necessary in order to test Respondent on any day of the week.

8 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens  
9 for the detection of alcohol and illegal and controlled substances.

10 (i) It maintains testing sites located throughout California.

11 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line  
12 computer database that allows the Respondent to check in daily for testing.

13 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff  
14 access to drug test results and compliance reporting information that is available 24 hours a  
15 day.

16 (l) It employs or contracts with toxicologists that are licensed physicians and have  
17 knowledge of substance abuse disorders and the appropriate medical training to interpret  
18 and evaluate laboratory biological fluid test results, medical histories, and any other  
19 information relevant to biomedical information.

20 (m) It will not consider a toxicology screen to be negative if a positive result is obtained  
21 while practicing, even if the Respondent holds a valid prescription for the substance.

22 Prior to changing testing locations for any reason, including during vacation or other travel,  
23 alternative testing locations must be approved by the Board and meet the requirements above.

24 The contract shall require that the laboratory directly notify the Board or its designee of  
25 non-negative results within one (1) business day and negative test results within seven (7)  
26 business days of the results becoming available. Respondent shall maintain this laboratory or  
27 service contract during the period of probation.

28 A certified copy of any laboratory test result may be received in evidence in any

1 proceedings between the Board and Respondent.

2 If a biological fluid test result indicates Respondent has used, consumed, ingested, or  
3 administered to himself or herself a prohibited substance, the Board shall order Respondent to  
4 cease practice and instruct Respondent to leave any place of work where Respondent is practicing  
5 medicine or providing medical services. The Board shall immediately notify all of Respondent's  
6 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or  
7 provide medical services while the cease-practice order is in effect.

8 A biological fluid test will not be considered negative if a positive result is obtained while  
9 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited  
10 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

11 After the issuance of a cease-practice order, the Board shall determine whether the positive  
12 biological fluid test is in fact evidence of prohibited substance use by consulting with the  
13 specimen collector and the laboratory, communicating with the licensee, his or her treating  
14 physician(s), other health care provider, or group facilitator, as applicable.

15 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the  
16 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

17 For purposes of this condition, the term "prohibited substance" means an illegal drug, a  
18 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by  
19 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been  
20 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

21 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited  
22 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the  
23 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to  
24 any other terms or conditions the Board determines are necessary for public protection or to  
25 enhance Respondent's rehabilitation.

26 5. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within sixty (60) calendar  
27 days of the effective date of this Decision, Respondent shall enroll in a professionalism program,  
28 that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.

Respondent shall participate in and successfully complete that program. Respondent shall provide any information and documents that the program may deem pertinent. Respondent shall successfully complete the classroom component of the program not later than six (6) months after Respondent's initial enrollment, and the longitudinal component of the program not later than the time specified by the program, but no later than one (1) year after attending the classroom component. The professionalism program shall be at Respondent's expense and shall be in addition to the Continuing Medical Education ("CME") requirements for renewal of licensure. A professionalism program taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the program would have been approved by the Board or its designee had the program been taken after the effective date of this Decision. Respondent shall submit a certification of successful completion to the Board or its designee not later than fifteen (15) calendar days after successfully completing the program or not later than fifteen (15) calendar days after the effective date of the Decision, whichever is later.

6. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days of the effective date of this Decision, Respondent shall submit to the Board or its designee, for its prior approval, the name of a substance abuse support group which he or she shall attend for the duration of probation. Respondent shall attend substance abuse support group meetings at least once per week, or as ordered by the Board or its designee. Respondent shall pay all substance abuse support group meeting costs.

The facilitator of the substance abuse support group meeting shall have a minimum of three (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed or certified by the state or nationally certified organizations. The facilitator shall not have a current or former financial, personal, or business relationship with Respondent within the last five (5) years. Respondent's previous participation in a substance abuse group support meeting led by the same facilitator does not constitute a prohibited current or former financial, personal, or business relationship.

The facilitator shall provide a signed document to the Board or its designee showing

Respondent's name, the group name, the date and location of the meeting, Respondent's attendance, and Respondent's level of participation and progress. The facilitator shall report any unexcused absence by Respondent from any substance abuse support group meeting to the Board, or its designee, within twenty-four (24) hours of the unexcused absence.

7. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval as a worksite monitor, the name and qualifications of one or more licensed physician and surgeon, other licensed health care professional if no physician and surgeon is available, or, as approved by the Board or its designee, a person in a position of authority who is capable of monitoring the Respondent at work.

The worksite monitor shall not have a current or former financial, personal, or familial relationship with Respondent, or any other relationship that could reasonably be expected to compromise the ability of the monitor to render impartial and unbiased reports to the Board or its designee. If it is impractical for anyone but Respondent's employer to serve as the worksite monitor, this requirement may be waived by the Board or its designee, however, under no circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

The worksite monitor shall have an active unrestricted license with no disciplinary action within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth by the Board or its designee.

Respondent shall pay all worksite monitoring costs.

The worksite monitor shall have face-to-face contact with Respondent in the work environment on as frequent a basis as determined by the Board or its designee, but not less than once per week; interview other staff in the office regarding Respondent's behavior, if requested by the Board or its designee; and review Respondent's work attendance.

The worksite monitor shall verbally report any suspected substance abuse to the Board and Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected substance abuse does not occur during the Board's normal business hours, the verbal report shall

1 be made to the Board or its designee within one (1) hour of the next business day. A written  
2 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and  
3 any other information deemed important by the worksite monitor shall be submitted to the Board  
4 or its designee within 48 hours of the occurrence.

5 The worksite monitor shall complete and submit a written report monthly or as directed by  
6 the Board or its designee which shall include the following: (1) Respondent's name and  
7 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)  
8 the worksite monitor's license number, if applicable; (4) the location or location(s) of the  
9 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the  
10 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;  
11 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can  
12 lead to suspected substance abuse by Respondent. Respondent shall complete any required  
13 consent forms and execute agreements with the approved worksite monitor and the Board, or its  
14 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

15 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)  
16 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior  
17 approval, the name and qualifications of a replacement monitor who will be assuming that  
18 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a  
19 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the  
20 monitor, Respondent shall receive a notification from the Board or its designee to cease the  
21 practice of medicine within three (3) calendar days after being so notified. Respondent shall  
22 cease the practice of medicine until a replacement monitor is approved and assumes monitoring  
23 responsibility.

24 8. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING  
25 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of  
26 probation.

27 A. If Respondent commits a major violation of probation as defined by section  
28 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take

1 one or more of the following actions:

2 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical  
3 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of  
4 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice  
5 order issued by the Board or its designee shall state that Respondent must test negative for at least  
6 a month of continuous biological fluid testing before being allowed to resume practice. For  
7 purposes of determining the length of time a Respondent must test negative while undergoing  
8 continuous biological fluid testing following issuance of a cease-practice order, a month is  
9 defined as thirty (30) calendar days. Respondent may not resume the practice of medicine until  
10 notified in writing by the Board or its designee that he or she may do so.

11 (2) Increase the frequency of biological fluid testing.

12 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or  
13 other action as determined by the Board or its designee.

14 B. If Respondent commits a minor violation of probation as defined by section  
15 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take  
16 one or more of the following actions:

17 (1) Issue a cease-practice order;

18 (2) Order practice limitations;

19 (3) Order or increase supervision of Respondent;

20 (4) Order increased documentation;

21 (5) Issue a citation and fine, or a warning letter;

22 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in  
23 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of  
24 Regulations, at Respondent's expense;

25 (7) Take any other action as determined by the Board or its designee.

26 C. Nothing in this Decision shall be considered a limitation on the Board's authority  
27 to revoke Respondent's probation if he or she has violated any term or condition of probation. If  
28 Respondent violates probation in any respect, the Board, after giving Respondent notice and the

1 opportunity to be heard, may revoke probation and carry out the disciplinary order that was  
2 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed  
3 against Respondent during probation, the Board shall have continuing jurisdiction until the matter  
4 is final, and the period of probation shall be extended until the matter is final.

5 9. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the  
6 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the  
7 Chief Executive Officer at every hospital where privileges or membership are extended to  
8 Respondent, at any other facility where Respondent engages in the practice of medicine,  
9 including all physician and locum tenens registries or other similar agencies, and to the Chief  
10 Executive Officer at every insurance carrier which extends malpractice insurance coverage to  
11 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15  
12 calendar days.

13 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

14 10. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
15 NURSES. During probation, Respondent is prohibited from supervising physician assistants and  
16 advanced practice nurses.

17 11. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules  
18 governing the practice of medicine in California and remain in full compliance with any court  
19 ordered criminal probation, payments, and other orders.

20 12. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations  
21 under penalty of perjury on forms provided by the Board, stating whether there has been  
22 compliance with all the conditions of probation.

23 Respondent shall submit quarterly declarations not later than ten (10) calendar days after  
24 the end of the preceding quarter.

25 13. GENERAL PROBATION REQUIREMENTS.

26 Compliance with Probation Unit

27 Respondent shall comply with the Board's probation unit.  
28

1       Address Changes

2       Respondent shall, at all times, keep the Board informed of Respondent's business and  
3       residence addresses, email address (if available), and telephone number. Changes of such  
4       addresses shall be immediately communicated in writing to the Board or its designee. Under no  
5       circumstances shall a post office box serve as an address of record, except as allowed by Business  
6       and Professions Code section 2021(b).

7       Place of Practice

8       Respondent shall not engage in the practice of medicine in Respondent's or patient's place  
9       of residence, unless the patient resides in a skilled nursing facility or other similar licensed  
10      facility.

11      License Renewal

12      Respondent shall maintain a current and renewed California physician's and surgeon's  
13      license.

14      Travel or Residence Outside California

15      Respondent shall immediately inform the Board or its designee, in writing, of travel to any  
16      areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty  
17      (30) calendar days.

18      In the event Respondent should leave the State of California to reside or to practice,  
19      Respondent shall notify the Board or its designee in writing thirty (30) calendar days prior to the  
20      dates of departure and return.

21      14. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be  
22      available in person upon request for interviews either at Respondent's place of business or at the  
23      probation unit office, with or without prior notice throughout the term of probation.

24      15. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
25      its designee in writing within fifteen (15) calendar days of any periods of non-practice lasting  
26      more than thirty (30) calendar days and within fifteen (15) calendar days of Respondent's return  
27      to practice. Non-practice is defined as any period of time Respondent is not practicing medicine  
28      as defined in Business and Professions Code sections 2051 and 2052 for at least forty (40) hours



1 in a calendar month in direct patient care, clinical activity or teaching, or other activity as  
2 approved by the Board. If Respondent resides in California and is considered to be in non-  
3 practice, Respondent shall comply with all terms and conditions of probation. All time spent in  
4 an intensive training program which has been approved by the Board or its designee shall not be  
5 considered non-practice and does not relieve Respondent from complying with all the terms and  
6 conditions of probation. Practicing medicine in another state of the United States or Federal  
7 jurisdiction while on probation with the medical licensing authority of that state or jurisdiction  
8 shall not be considered non-practice. A Board-ordered suspension of practice shall not be  
9 considered as a period of non-practice.

10 In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
11 months, Respondent shall successfully complete the Federation of State Medical Board's Special  
12 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program  
13 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model  
14 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

15 Respondent's period of non-practice while on probation shall not exceed two (2) years.

16 Periods of non-practice will not apply to the reduction of the probationary term.

17 Periods of non-practice for a Respondent residing outside of California will relieve  
18 Respondent of the responsibility to comply with the probationary terms and conditions with the  
19 exception of this condition and the following terms and conditions of probation: Obey All Laws;  
20 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or  
21 Controlled Substances; and Biological Fluid Testing.

22 16. COMPLETION OF PROBATION. Respondent shall comply with all financial  
23 obligations (e.g., restitution, probation costs) not later than one hundred twenty (120) calendar  
24 days prior to the completion of probation. Upon successful completion of probation,  
25 Respondent's certificate shall be fully restored.

26 17. VIOLATION OF PROBATION. Failure to fully comply with any term or condition  
27 of probation is a violation of probation. If Respondent violates probation in any respect, the  
28 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and

1 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,  
2 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have  
3 continuing jurisdiction until the matter is final, and the period of probation shall be extended until  
4 the matter is final.

5 18. LICENSE SURRENDER. Following the effective date of this Decision, if  
6 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
7 the terms and conditions of probation, Respondent may request to surrender his or her license.  
8 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in  
9 determining whether or not to grant the request, or to take any other action deemed appropriate  
10 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
11 shall within fifteen (15) calendar days deliver Respondent's wallet and wall certificate to the  
12 Board or its designee and Respondent shall no longer practice medicine. Respondent will no  
13 longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical  
14 license, the application shall be treated as a petition for reinstatement of a revoked certificate.

15 19. PROBATION MONITORING COSTS. Respondent shall pay the costs associated  
16 with probation monitoring each and every year of probation, as designated by the Board, which  
17 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
18 California and delivered to the Board or its designee no later than January 31 of each calendar  
19 year.

20 ACCEPTANCE

21 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
22 discussed it with my attorney, David Shuey. I understand the stipulation and the effect it will  
23 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and  
24 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
25 Decision and Order of the Medical Board of California.

26  
27 DATED: 10-10-17

Elizabeth Byerrum Seaman, M.D.  
28 ELIZABETH BYERRUM SEAMAN, M.D.  
Respondent

1  
2 I have read and fully discussed with Respondent Elizabeth Byerrum Seaman, M.D. the  
3 terms and conditions and other matters contained in the above Stipulated Settlement and  
4 Disciplinary Order. I approve its form and content.

5  
6 DATED: 10/11/17

  
7 DAVID SHUEY  
8 Attorney for Respondent

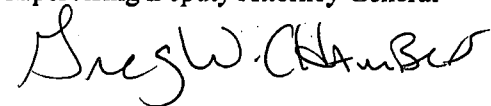
9 ENDORSEMENT

10 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
11 submitted for consideration by the Medical Board of California.

12 Dated: 10/12/2017

13 Respectfully submitted,

14 XAVIER BECERRA  
15 Attorney General of California  
16 JANE ZACK SIMON  
17 Supervising Deputy Attorney General



18 GREG W. CHAMBERS  
19 Deputy Attorney General  
20 Attorneys for Complainant

21 SF2017401955  
22 Stipulation.rtf

**Exhibit A**

**Petition to Revoke Probation No. 800-2017-036091**

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 GREG W. CHAMBERS  
Deputy Attorney General  
4 State Bar No. 237509  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5723  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO September 12, 2017  
BY Jana Benson ANALYST

7  
8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Petition to Revoke  
11 Probation Against:

Case No. 800-2017-036091

12 **Elizabeth Byerrum Seaman, M.D.**  
13 **599 Sir Francis Drake Blvd #204**  
**Greenbrae, CA 94904**

**PETITION TO REVOKE PROBATION**

14 **Physician's and Surgeon's Certificate**  
15 **No. G32266,**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Petition to Revoke Probation solely  
21 in her official capacity as the Executive Director of the Medical Board of California, Department  
22 of Consumer Affairs (Board).

23 2. On or about July 7, 1976, the Medical Board issued Physician's and Surgeon's  
24 Certificate Number G32266 to Elizabeth Byerrum Seaman, M.D. (Respondent). The Physician's  
25 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on July 31, 2018, unless renewed. Said certificate was revoked, stayed,  
27 subject to probation for a period of three (3) years effective July 5, 2017.

3. In a prior disciplinary action entitled *In the Matter of the Accusation Against Elizabeth Byerrum Seaman, M.D.*, Case Number 800-2013-001929, the Board issued a Decision July 5, 2017, in which Respondent's license was revoked, stayed, and placed on three (3) years' probation for unprofessional conduct/dangerous use of alcohol, and failure to report a conviction. The terms and conditions of probation include abstention from alcohol and biological fluid testing. A copy of that decision is attached as Exhibit A and is incorporated by reference. Invoking an express provision of the Decision, the Board issued a Cease Practice Order which was served on Respondent on August 28, 2017. The factual basis for the Cease Practice Order is set out below as the basis for this Petition to Revoke Probation.

## JURISDICTION

4. This Petition to Revoke Probation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2004 of the Code states, in relevant part:

**"The board shall have the responsibility for the following:**

"(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

**"(b) The administration and hearing of disciplinary actions.**

"(c) Carrying out disciplinary actions appropriate to findings made by a panel or an administrative law judge.

"(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of disciplinary actions.

"(e) Reviewing the quality of medical practice carried out by physician and surgeon certificate holders under the jurisdiction of the board."

6. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

1           7.     Section 2228 of the Code states:

2           “The authority of the board or the California Board of Podiatric Medicine to discipline a  
3 licensee by placing him or her on probation includes, but is not limited to, the following:

4           “(a) Requiring the licensee to obtain additional professional training and to pass an  
5 examination upon the completion of the training. The examination may be written or oral, or  
6 both, and may be a practical or clinical examination, or both, at the option of the board or the  
7 administrative law judge.

8           “(b) Requiring the licensee to submit to a complete diagnostic examination by one or more  
9 physicians and surgeons appointed by the board. If an examination is ordered, the board shall  
10 receive and consider any other report of a complete diagnostic examination given by one or more  
11 physicians and surgeons of the licensee's choice.

12           “(c) Restricting or limiting the extent, scope, or type of practice of the licensee, including  
13 requiring notice to applicable patients that the licensee is unable to perform the indicated  
14 treatment, where appropriate.

15           “(d) Providing the option of alternative community service in cases other than violations  
16 relating to quality of care.”

17           8.     Section 2229 of the Code states that the protection of the public shall be the highest  
18 priority for the Board in exercising their disciplinary authority. While attempts to rehabilitate a  
19 licensee should be made when possible, Section 2229(c) states that when rehabilitation and  
20 protection are inconsistent, protection shall be paramount.

21                           **CAUSE FOR REVOCATION OF PROBATION**

22                           **(Violation of Probation Terms and Conditions)**

23           9.     At all times after the effective date of Respondent's probation, Condition 1 stated:

24                   Respondent shall abstain completely from the use of products or  
25                   beverages containing alcohol.

26                   If Respondent has a confirmed positive biological fluid test for alcohol,  
27                   Respondent shall receive a notification from the Board or its designee to  
28                   immediately cease the practice of medicine. The Respondent shall not  
                      resume the practice of medicine until final decision on an accusation  
                      and/or a petition to revoke probation. An accusation and/or petition to  
                      revoke probation shall be filed by the Board within fifteen (15) days of

1 the notification to cease practice. If the Respondent requests a hearing on  
2 the accusation and/or petition to revoke probation, the Board shall  
3 provide the Respondent with a hearing within thirty (30) days of the  
4 request, unless the Respondent stipulates to a later hearing. A decision  
5 shall be received from the Administrative Law Judge or the Board within  
6 fifteen (15) days unless good cause can be shown for the delay. The  
7 cessation of practice shall not apply to the reduction of the probationary  
8 time period.

9 If the Board does not file an accusation or petition to revoke probation  
10 within fifteen (15) days of the issuance of the notification to cease  
11 practice or does not provide Respondent with a hearing within thirty (30)  
12 days of a such a request, the notification of cease practice shall be  
13 dissolved.

14 10. Respondent's probation is subject to revocation because she failed to comply with  
15 Probation Condition 1, referenced above. The facts and circumstance regarding this violation are  
16 as follows:

17 11. On or about August 7, 2017, Respondent tested positive for alcohol in violation of  
18 Probationary Condition No. 1 after Respondent provided a biological fluid sample and analysis of  
19 the sample by a designated clinical testing laboratory identified the presence of alcohol.

20 12. On or about August 16, 2017, Respondent tested positive for alcohol in violation of  
21 Probationary Condition No. 1 after Respondent provided a biological fluid sample and analysis of  
22 the sample by a designated clinical testing laboratory identified the presence of alcohol.

23 13. At all times after the effective date of Respondent's probation, Condition 2 stated:

24 Respondent shall immediately submit to biological fluid testing, at  
25 Respondent's expense, upon request of the Board or its designee.  
26 "Biological fluid testing" may include, but is not limited to, urine, blood,  
27 breathalyzer, hair follicle testing, or similar drug screening approved by  
28 the Board or its designee. Prior to practicing medicine, Respondent shall  
contract with a laboratory or service approved in advance by the Board or  
its designee that will conduct random, unannounced, observed, biological  
fluid testing. The contract shall require results of the tests to be  
transmitted by the laboratory or service directly to the Board or its  
designee within four hours of the results becoming available. Respondent  
shall maintain this laboratory or service contract during the period of  
probation.

A copy of any laboratory test result may be received in evidence in any  
proceedings between the Board and Respondent.

If Respondent fails to cooperate in a random biological fluid testing  
program within the specified time frame, Respondent shall receive a  
notification from the Board or its designee to immediately cease the  
practice of medicine. The Respondent shall not resume the practice of  
medicine until final decision on an accusation and/or a petition to revoke



1 probation. An accusation and/or petition to revoke probation shall be  
2 filed by the Board within 15 days of the notification to cease practice. If  
3 the Respondent requests a hearing on the accusation and/or petition to  
4 revoke probation, the Board shall provide the Respondent with a hearing  
5 within 30 days of the request, unless the Respondent stipulates to a later  
6 hearing. A decision shall be received from the Administrative Law Judge  
7 or the Board within fifteen (15) days unless good cause can be shown for  
8 the delay. The cessation of practice shall not apply to the reduction of the  
9 probationary time period.

10 If the Board does not file an accusation or petition to revoke probation  
11 within 15 days of the issuance of the notification to cease practice or does  
12 not provide Respondent with a hearing within thirty (30) days of a such a  
13 request, the notification of cease practice shall be dissolved.

14 14. On or about July 8, 2017, Respondent failed to provide a biological fluid sample  
15 when requested in violation of Probationary Condition No. 2 of the Stipulated Settlement and  
16 Disciplinary Order adopted by the Decision of July 5, 2017, for Medical Board Case Number  
17 800-2013-001929.

18 15. On or about August 13, 2017, Respondent failed to provide a biological fluid sample  
19 when requested in violation of Probationary Condition No. 2 of the Stipulated Settlement and  
20 Disciplinary Order adopted by the Decision of July 5, 2017, for Medical Board Case Number  
21 800-2013-001929.

### 22 PRAYER

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
24 and that following the hearing, the Medical Board of California issue a decision:

25 1. Revoking the probation that was granted by the Medical Board of California in Case  
26 No. 800-2013-001929 and imposing the underlying Order of revocation.;

27 2. Revoking or suspending Physician's and Surgeon's Certificate Number G32266,  
28 issued to Elizabeth Byerrum Seaman, M.D.;

3. Revoking, suspending or denying approval of Elizabeth Byerrum Seaman, M.D.'s  
authority to supervise physician assistants and advanced practice nurses;

4. Ordering Elizabeth Byerrum Seaman, M.D., if placed on probation, to pay the Board  
the costs of probation monitoring; and

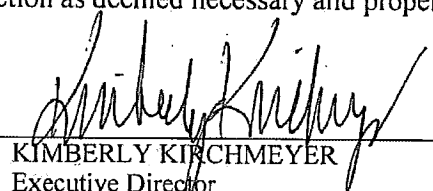
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5. Taking such other and further action as deemed necessary and proper.

DATED: September 12, 2017



KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

SF2017401955  
accusation - mbc.rtf

# EXHIBIT A

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the First Amended  
Accusation Against:**

**Elizabeth Byerrum Seaman, M.D.**

**Case No. 800-2013-001929**

**Physician's and Surgeon's  
Certificate No. G 32266**

**Respondent**

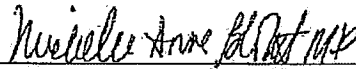
**DECISION**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on July 5, 2017.

**IT IS SO ORDERED: June 5, 2017.**

**MEDICAL BOARD OF CALIFORNIA**



**Michelle Anne Bholat, M.D., Chair  
Panel B**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 GREG W. CHAMBERS  
Deputy Attorney General  
4 State Bar No. 237509  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5723  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10  
11 In the Matter of the First Amended Accusation  
Against:

Case No. 800-2013-001929

12 **ELIZABETH BYERRUM SEAMAN, M.D.**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

13 599 Sir Francis Drake Blvd #204  
14 Greenbrae, CA 94904

15 Physician's and Surgeon's Certificate No.  
G32266

16 Respondent.  
17

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Kimberly Kirchmeyer ("Complainant") is the Executive Director of the Medical  
22 Board of California ("Board"). She brought this action solely in her official capacity and is  
23 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
24 Greg W. Chambers, Deputy Attorney General.

25 2. Respondent Elizabeth Byerrum Seaman, M.D. ("Respondent") is represented in this  
26 proceeding by attorney David Shuey, Esq., whose address is: 1970 Broadway, Suite 1150,  
27 Oakland, CA 94612.  
28

3. On or about July 7, 1976, the Board issued Physician's and Surgeon's Certificate No. G32266 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in First Amended Accusation No. 800-2013-001929, and will expire on July 31, 2018, unless renewed.

## JURISDICTION

4. First Amended Accusation No. 800-2013-001929 was filed before the Board, and is currently pending against Respondent. The original Accusation and all other statutorily required documents were properly served on Respondent on November 17, 2015. Respondent timely filed her Notice of Defense contesting the Accusation. The First Amended Accusation was properly served on Respondent on June 6, 2016.

5. A copy of First Amended Accusation No. 800-2013-001929 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No. 800-2013-001929. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

///

///

1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in First Amended  
3 Accusation No. 800-2013-001929, if proven at a hearing, constitute cause for imposing  
4 discipline upon her Physician's and Surgeon's Certificate.

5 10. For the purpose of resolving the First Amended Accusation without the expense and  
6 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could  
7 establish a factual basis for the charges in the First Amended Accusation, and that Respondent  
8 hereby gives up her right to contest those charges. Respondent agrees that if she ever petitions  
9 for early termination or modification of probation, or if the Board ever petitions for revocation of  
10 probation, all of the charges and allegations contained in First Amended Accusation No. 800-  
11 2013-001929 shall be deemed true, correct and fully admitted by Respondent for purposes of that  
12 proceeding or any other licensing proceeding involving respondent in the State of California.

13 11. Respondent agrees that her Physician's and Surgeon's Certificate is subject to  
14 discipline and she agrees to be bound by the Board's probationary terms as set forth in the  
15 Disciplinary Order below.

16 CONTINGENCY

17 12. This stipulation shall be subject to approval by the Medical Board of California.  
18 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
19 Board of California may communicate directly with the Board regarding this stipulation and  
20 settlement, without notice to or participation by Respondent or her counsel. By signing the  
21 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek  
22 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
23 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
24 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
25 action between the parties, and the Board shall not be disqualified from further action by having  
26 considered this matter.

13. The parties understand and agree that Portable Document Format ("PDF") and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G32266 issued to Respondent Elizabeth Byerrum Seaman, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

1. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the use of products or beverages containing alcohol.

If Respondent has a confirmed positive biological fluid test for alcohol, Respondent shall receive a notification from the Board or its designee to immediately cease the practice of medicine. The Respondent shall not resume the practice of medicine until final decision on an accusation and/or a petition to revoke probation. An accusation and/or petition to revoke probation shall be filed by the Board within fifteen (15) days of the notification to cease practice. If the Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board shall provide the Respondent with a hearing within thirty (30) days of the request, unless the Respondent stipulates to a later hearing. A decision shall be received from the Administrative Law Judge or the Board within fifteen (15) days unless good cause can be shown for the delay. The cessation of practice shall not apply to the reduction of the probationary time period.

If the Board does not file an accusation or petition to revoke probation within fifteen (15) days of the issuance of the notification to cease practice or does not provide Respondent with a hearing within thirty (30) days of a such a request, the notification of cease practice shall be dissolved.

2. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to biological fluid testing, at Respondent's expense, upon request of the Board or its designee.



1 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair  
2 follicle testing, or similar drug screening approved by the Board or its designee. Prior to  
3 practicing medicine, Respondent shall contract with a laboratory or service approved in advance  
4 by the Board or its designee that will conduct random, unannounced, observed, biological fluid  
5 testing. The contract shall require results of the tests to be transmitted by the laboratory or  
6 service directly to the Board or its designee within four hours of the results becoming available.  
7 Respondent shall maintain this laboratory or service contract during the period of probation.

8 A copy of any laboratory test result may be received in evidence in any proceedings  
9 between the Board and Respondent.

10 If Respondent fails to cooperate in a random biological fluid testing program within the  
11 specified time frame, Respondent shall receive a notification from the Board or its designee to  
12 immediately cease the practice of medicine. The Respondent shall not resume the practice of  
13 medicine until final decision on an accusation and/or a petition to revoke probation. An  
14 accusation and/or petition to revoke probation shall be filed by the Board within 15 days of the  
15 notification to cease practice. If the Respondent requests a hearing on the accusation and/or  
16 petition to revoke probation, the Board shall provide the Respondent with a hearing within 30  
17 days of the request, unless the Respondent stipulates to a later hearing. A decision shall be  
18 received from the Administrative Law Judge or the Board within fifteen (15) days unless good  
19 cause can be shown for the delay. The cessation of practice shall not apply to the reduction of the  
20 probationary time period.

21 If the Board does not file an accusation or petition to revoke probation within 15 days of the  
22 issuance of the notification to cease practice or does not provide Respondent with a hearing  
23 within thirty (30) days of a such a request, the notification of cease practice shall be dissolved.

24 3. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within sixty (60) calendar  
25 days of the effective date of this Decision, Respondent shall enroll in a professionalism program,  
26 that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.  
27 Respondent shall participate in and successfully complete that program. Respondent shall  
28 provide any information and documents that the program may deem pertinent. Respondent shall

1 successfully complete the classroom component of the program not later than six (6) months after  
2 Respondent's initial enrollment, and the longitudinal component of the program not later than the  
3 time specified by the program, but no later than one (1) year after attending the classroom  
4 component. The professionalism program shall be at Respondent's expense and shall be in  
5 addition to the Continuing Medical Education ("CME") requirements for renewal of licensure.

6 A professionalism program taken after the acts that gave rise to the charges in the  
7 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
8 or its designee, be accepted towards the fulfillment of this condition if the program would have  
9 been approved by the Board or its designee had the program been taken after the effective date of  
10 this Decision.

11 Respondent shall submit a certification of successful completion to the Board or its  
12 designee not later than fifteen (15) calendar days after successfully completing the program or not  
13 later than fifteen (15) calendar days after the effective date of the Decision, whichever is later.

14 4. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the  
15 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the  
16 Chief Executive Officer at every hospital where privileges or membership are extended to  
17 Respondent, at any other facility where Respondent engages in the practice of medicine,  
18 including all physician and locum tenens registries or other similar agencies, and to the Chief  
19 Executive Officer at every insurance carrier which extends malpractice insurance coverage to  
20 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15  
21 calendar days.

22 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

23 5. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is  
24 prohibited from supervising physician assistants.

25 6. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules  
26 governing the practice of medicine in California and remain in full compliance with any court  
27 ordered criminal probation, payments, and other orders.

28 7. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations

1 under penalty of perjury on forms provided by the Board, stating whether there has been  
2 compliance with all the conditions of probation.

3 Respondent shall submit quarterly declarations not later than ten (10) calendar days after  
4 the end of the preceding quarter.

5 8. GENERAL PROBATION REQUIREMENTS.

6 Compliance with Probation Unit

7 Respondent shall comply with the Board's probation unit and all terms and conditions of  
8 this Decision.

9 Address Changes

10 Respondent shall, at all times, keep the Board informed of Respondent's business and  
11 residence addresses, email address (if available), and telephone number. Changes of such  
12 addresses shall be immediately communicated in writing to the Board or its designee. Under no  
13 circumstances shall a post office box serve as an address of record, except as allowed by Business  
14 and Professions Code section 2021(b).

15 Place of Practice

16 Respondent shall not engage in the practice of medicine in Respondent's or patient's place  
17 of residence, unless the patient resides in a skilled nursing facility or other similar licensed  
18 facility.

19 License Renewal

20 Respondent shall maintain a current and renewed California physician's and surgeon's  
21 license.

22 Travel or Residence Outside California

23 Respondent shall immediately inform the Board or its designee, in writing, of travel to any  
24 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty  
25 (30) calendar days.

26 In the event Respondent should leave the State of California to reside or to practice  
27 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of  
28 departure and return.

1           9. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be  
2 available in person upon request for interviews either at Respondent's place of business or at the  
3 probation unit office, with or without prior notice throughout the term of probation.

4           10. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
5 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
6 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
7 defined as any period of time Respondent is not practicing medicine in California as defined in  
8 Business and Professions Code sections 2051 and 2052 for at least forty (40) hours in a calendar  
9 month in direct patient care, clinical activity or teaching, or other activity as approved by the  
10 Board. All time spent in an intensive training program which has been approved by the Board or  
11 its designee shall not be considered non-practice. Practicing medicine in another state of the  
12 United States or Federal jurisdiction while on probation with the medical licensing authority of  
13 that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of  
14 practice shall not be considered as a period of non-practice.

15           In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
16 months, Respondent shall successfully complete a clinical training program that meets the criteria  
17 of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and  
18 Disciplinary Guidelines" prior to resuming the practice of medicine.

19           Respondent's period of non-practice while on probation shall not exceed two (2) years.

20           Periods of non-practice will not apply to the reduction of the probationary term.

21           Periods of non-practice will relieve Respondent of the responsibility to comply with the  
22 probationary terms and conditions with the exception of this condition and the following terms  
23 and conditions of probation: Obey All Laws; and General Probation Requirements.

24           11. COMPLETION OF PROBATION. Respondent shall comply with all financial  
25 obligations (e.g., restitution, probation costs) not later than one hundred twenty (120) calendar  
26 days prior to the completion of probation. Upon successful completion of probation,  
27 Respondent's certificate shall be fully restored.

28           12. VIOLATION OF PROBATION. Failure to fully comply with any term or condition

1 of probation is a violation of probation. If Respondent violates probation in any respect, the  
2 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and  
3 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,  
4 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have  
5 continuing jurisdiction until the matter is final, and the period of probation shall be extended until  
6 the matter is final.

7 13. LICENSE SURRENDER. Following the effective date of this Decision, if  
8 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
9 the terms and conditions of probation, Respondent may request to surrender his or her license.  
10 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in  
11 determining whether or not to grant the request, or to take any other action deemed appropriate  
12 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
13 shall within fifteen (15) calendar days deliver Respondent's wallet and wall certificate to the  
14 Board or its designee and Respondent shall no longer practice medicine. Respondent will no  
15 longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical  
16 license, the application shall be treated as a petition for reinstatement of a revoked certificate.

17 14. PROBATION MONITORING COSTS. Respondent shall pay the costs associated  
18 with probation monitoring each and every year of probation, as designated by the Board, which  
19 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
20 California and delivered to the Board or its designee no later than January 31 of each calendar  
21 year.

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03/20/2017 15:10 FAX 5104523006 RANKIN SPROAT WIRES

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011/018

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, David Shuey, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 3-20-17 Elizabeth Seaman, M.D.  
ELIZABETH BYERRUM SEAMAN, M.D.  
Respondent

I have read and fully discussed with Respondent Elizabeth Byerrum Seaman, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 3/20/17 David Shuey, Esq.  
DAVID SHUEY, ESQ.  
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: 3/20/2017

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
JANE ZACK SIMON  
Supervising Deputy Attorney General

Greg W. Chambers  
GREG W. CHAMBERS  
Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A**

**First Amended Accusation No. 800-2015-001929**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSE R. GUERRERO  
Supervising Deputy Attorney General  
3 GREG W. CHAMBERS  
Deputy Attorney General  
4 State Bar No. 237509  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
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Attorneys for Complainant

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO June 6 20 16  
BY R. Firdaus ANALYST

8 BEFORE THE  
9 MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
10 STATE OF CALIFORNIA

11 In the Matter of the First Amended Accusation  
12 Against:

Case No. 800-2013-001929

FIRST AMENDED ACCUSATION

13 Elizabeth Byerrum Seaman, M.D.  
14 599 Sir Francis Drake Blvd #204  
Greenbrae, CA 94904

15 Physician's and Surgeon's Certificate  
16 No. G32266,

Respondent.

17  
18 Complainant alleges:

19 PARTIES

20 1. Kimberly Kirchmeyer ("Complainant") brings this First Amended Accusation solely  
21 in her official capacity as the Executive Director of the Medical Board of California, Department  
22 of Consumer Affairs ("Board").

23 2. On or about July 7, 1976, the Medical Board issued Physician's and Surgeon's  
24 Certificate Number G32266 to Elizabeth Byerrum Seaman, M.D. ("Respondent"). The  
25 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the  
26 charges brought herein and will expire on July 31, 2016, unless renewed.

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1       “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
2 violation of, or conspiring to violate any provision of this chapter.

3       “...

4       “(e) The commission of any act involving dishonesty or corruption which is substantially  
5 related to the qualifications, functions, or duties of a physician and surgeon. ...”

6       8.     Section 2235 of the Code states:

7       “Upon referral from the division, the Senior Assistant Attorney General of the Health  
8 Quality Enforcement Section shall initiate action against any licensee who obtains a certificate by  
9 fraud or misrepresentation, including a reciprocity certificate which is based upon a certificate or  
10 license obtained by fraud or mistake. The division shall take action against any licensee whose  
11 certificate was issued by mistake.”

12       9.     Section 2239 of the Code states:

13       “(a) The use or prescribing for or administering to himself or herself, of any controlled  
14 substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic  
15 beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to  
16 any other person or to the public, or to the extent that such use impairs the ability of the licensee  
17 to practice medicine safely or more than one misdemeanor or any felony involving the use,  
18 consumption, or self-administration of any of the substances referred to in this section, or any  
19 combination thereof, constitutes unprofessional conduct. The record of the conviction is  
20 conclusive evidence of such unprofessional conduct.

21       “(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is  
22 deemed to be a conviction within the meaning of this section. The Medical Board may order  
23 discipline of the licensee in accordance with Section 2227 or the Medical Board may order the  
24 denial of the license when the time for appeal has elapsed or the judgment of conviction has been  
25 affirmed on appeal or when an order granting probation is made suspending imposition of  
26 sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal  
27 Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty,  
28

1 or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or  
2 indictment."

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct - Dangerous Use of Alcohol)**

5 10. Respondent is subject to disciplinary action under Code section 2239 [dangerous use  
6 of alcohol], in that on July 26, 2010, Respondent was convicted by guilty plea of violating  
7 Vehicle Code ("VC") sections 23152(b) [driving under the influence with a blood alcohol  
8 concentration ("BAC") of 0.08% or greater], with enhancement under VC section 23538(b)(2)  
9 [driving under the influence with a BAC of 0.24% or greater], and 14601.1(a) [driving with a  
10 suspended license], both misdemeanors. The circumstances are as follows:

11 11. On or about April 17, 2010, a Mill Valley Police Officer ("Officer") was dispatched  
12 to the scene of an auto collision involving Respondent's vehicle. Upon speaking with  
13 Respondent, the Officer noted Respondent's objective signs of intoxication. The Officer asked  
14 Respondent whether she had consumed alcohol prior to driving. Respondent admitted to drinking  
15 wine prior to driving. The Officer then conducted the standard field sobriety tests, which  
16 Respondent failed. The Officer then administered a preliminary alcohol screening test, which  
17 measured 0.266% and 0.268% BAC at 9:14 p.m. and 9:18 p.m., respectively. Respondent was  
18 then placed under arrest for violating VC 23152(a) [driving under the influence of alcohol].  
19 Respondent later provided a blood sample, which measured 0.24% BAC.

20 12. On or about April 26, 2010, in a case entitled *The People of the State of California v.*  
21 *Elizabeth Byerrum Seaman*, case number CR169841A, filed before the Marin County Superior  
22 Court, Respondent was charged as follows: Count 1 – violating VC section 23152(a); Count 2 –  
23 violating VC section 23152(b) with enhancement under VC section 23538(b)(2); Count 3 –  
24 violating VC section 14601.1(a); and Count 4 – VC section 21460(a) [driving to the left of a  
25 double line], misdemeanors.

26 13. On or about July 26, 2010, Respondent was convicted by guilty plea of violating VC  
27 section 23152(b) with enhancements under 23538(b)(2) and VC section 14601.1(a), and the  
28

1 remaining charges were dismissed. Respondent was sentenced as follows: three years probation,  
2 nine months first offender drinking driver's program, and \$1,802.00 in fines and fees.

3  
4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct - Dishonest Act and/or Procurement of Licensure by Fraud)**

6 14. Paragraphs 10 through 13 are incorporated herein as if set forth in their entirety.

7 15. Respondent is subject to disciplinary action under Code sections 2234(e) [dishonest  
8 act] and/or 2234(a) [violation of any provision of this chapter] and 2235 [procurement of  
9 licensure by fraud]. The circumstances are as follows:

10 16. On or about June 3, 2010 and July 23, 2012, Respondent submitted applications for  
11 license renewal to the Medical Board of California. On Respondent's July 23, 2012 license  
12 renewal application, Respondent was asked to certify under penalty of perjury whether she had  
13 been convicted of any crime since submitting her June 3, 2010 license renewal application.  
14 Respondent indicated that she had not sustained any convictions during this period, despite  
15 having sustained her July 26, 2010, DUI conviction.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Failure to Report Conviction)**

18 17. Paragraphs 10 through 16 are incorporated herein as if set forth in their entirety.

19 18. Respondent is subject to disciplinary action under section 802.1 of the Code in that  
20 Respondent failed to notify the Board that Respondent had been convicted on or about July 26,  
21 2010, of violating VC section 23152(b), along with the enhancement under 23538(b)(2), and of  
22 violating VC section 14601.1(a).


23 **PRAYER**

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
25 and that following the hearing, the Medical Board of California issue a decision:

26 1. Revoking or suspending Physician's and Surgeon's Certificate Number G32266,  
27 issued to Elizabeth Byerrum Seaman, M.D.;

- 1           2.    Revoking, suspending or denying approval of Elizabeth Byerrum Seaman, M.D.'s  
2 authority to supervise physician assistants, pursuant to section 3527 of the Code;  
3           3.    Ordering Elizabeth Byerrum Seaman, M.D., if placed on probation, to pay the Board  
4 the costs of probation monitoring; and  
5           4.    Taking such other and further action as deemed necessary and proper.

6  
7  
8 DATED: June 6, 2016

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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